

## TRANSPORTATION PERFORMANCE AUDIT BOARD

Friday, October 7, 2005  
9:00 a.m. – 12:30 p.m.  
Conference Room  
Puget Sound Regional Council  
Seattle, WA

### - Minutes -

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The meeting was called to order by Chair Doug Hurley at approximately 9:15 a.m. Members present were: Fanning, Forner, Haugen, Hurley, Jacobson, Ostrowski, Ray, Sandaas (by phone), and Wallace.

Chair Hurley changed the order of the agenda, and moved Agenda Item 4 to the top of the agenda.

#### **4. Follow-up on Department of Transportation Performance Measures Review**

Daniela Bremmer, WSDOT staff, presented members with a summary of WSDOT's follow-up tasks and actions to date in response to TPAB's performance audits and reviews of WSDOT. She gave a brief overview of each TPAB recommendation and the actions WSDOT has taken thus far.

Ms. Bremmer then shared a draft PowerPoint presentation that included information on Highway Project Delivery. She indicated that this information was requested by GMAP and it will be presented to them on October 20, 2005.

Ms. Bremmer distributed a letter she received from Advancing Government Accountability (AGA) regarding AGA's review of WSDOT's Gray Notebook. She explained that AGA is a non-profit organization that looks at performance reporting for government. She stated that there are 16 criteria identified for a good government performance report and that the Gray Notebook fell short in three criteria. She stated that the review provided good insight and also that AGA encouraged WSDOT to resubmit next year.

#### **1. Report of the Chair**

Representative Wallace moved for adoption of the minutes and Janet Ray seconded. The minutes of the August 31, 2005 and September 9, 2005 meetings were approved.

Senator Haugen indicated that she talked with Representative Woods regarding the Hood Canal Bridge study and that she expressed concern with proceeding with the study during the course of a lawsuit with the tribe.

Keenan Konopaski gave an overview of where JLARC is at in the process of the Hood Canal Bridge study. He stated that their consultant has completed much of the data collection; however, some of the risk of stopping the audit now is the potential for this raw information going out without the benefit of an accompanying analysis phase to interpret it.

Ruta Fanning stated that until the report is put out publicly, JLARC's working papers are confidential. Also, she noted that if there are things of a personal nature in the working papers that should not be disclosed, those parts of the working papers can be kept confidential. She pointed out that the Attorney General's office has been involved in discussions regarding this issue.

Chair Hurley asked that Ms. Fanning and Representative Woods work to review this issue and assess next steps.

Elmira Forner asked that information be brought back to the board on the Attorney General's opinion of what can be subpoenaed from both sides.

Ruta Fanning then provided a status update of the Hood Canal Bridge project. She pointed out that JLARC had intended to present their preliminary report publicly toward the end of December. However, with delays in receiving key documents and reports from the Department of Transportation, the preliminary report will be delivered to TPAB in mid-February and presented at the March 3, 2006 TPAB meeting. She indicated that no additional costs will be incurred due to this delay.

John Ostrowski motioned and Representative Wallace seconded to approve changes to the interagency agreement between TPAB and JLARC to reflect the project schedule changes. Due to the prior discussions on this project, the motion was amended giving the chair the ability to modify the contract and/or amendment to the agreement as deemed necessary. Motion passed.

**2. Administrator Report**

Dalene Sprick, TPAB staff, provided an overview on the status of current TPAB projects. She also provided a status update on the Communications consultant contract indicating that it is in the final stages of review and should be executed soon.

Chair Hurley recommended that the board withdraw the Monorail letter, and indicated that the Seattle Mayor's staff is embracing the governance suggestions provided by the board.

**3. Announce Apparent Winner of RFP Process for Goals, Benchmarks and the 10-Year Investment Criteria and Process Study**

John Ostrowski announced that after review of the proposals, Lund Consulting & Cedar River Group was selected to conduct the Goals, Benchmarks and 10-Year Investment Criteria and Process Study.

Mr. Ostrowski motioned that the board authorize the TPAB Administrator to negotiate a contract with Lund Consulting & Cedar River Group and to authorize the Chair to sign the contract. Janet Ray seconded.

Due to Ms. Sprick's impending family leave, Chair Hurley proposed an amendment to the motion to include up to \$20,000 in additional funding on this contract to provide for assistance in the coordination of this study with the Recurring Capital Results and the Performance Measures Study.

The motion as amended passed.

**5. Discussion of Accountability Study and Operating Procedures and Standards for TPAB**

John Ostrowski discussed JLARC's Preliminary Review of Accountability Oversight Mechanisms for WSDOT and their four recommendations. Mr. Ostrowski stated that the subcommittee, which includes himself and Representatives Wallace and Woods, is in agreement with JLARC's recommendations. Mr. Ostrowski then discussed three additional recommendations proposed by the subcommittee for the board's consideration.

After considerable discussion regarding the subcommittee's proposed Recommendation 2 related to TPAB's independence, the language was revised. Ruta Fanning drafted proposed new language which incorporated board members comments/concerns.

Mr. Ostrowski stated that the subcommittee will continue to work on TPAB's Operating Procedures and Standards.

John Ostrowski motioned that the transmittal letter with the amended language for Recommendation 2 be forwarded to the Legislature. Representative Wallace seconded. Motion passed.

**6. Discussion of Potential Audit/Review Topics and Subjects and Criteria**

Chair Hurley stated that he formed a subcommittee to discuss the information Ms. Sprick provided at the September 9 meeting regarding TPAB's expanded scope due to legislation that redefined a transportation-related agency. The subcommittee consisted of himself, Senator Swecker, Senator Haugen and Dalene Sprick.

The subcommittee agreed that due to TPAB's limited and largely committed budget, it can not audit everything. There was consensus that staff be asked to develop an auditing/review approach, however, Chair Hurley stated that there is not adequate staff time to develop this approach solely and suggested approval for professional assistance. He also stated that he, Michael Jacobson and Dick Sandaas would be the subcommittee to work with this person in turning the approach into a system.

Senator Haugen moved the following motion and Representative Wallace seconded:

"It is proposed that staff be asked to develop an approach to provide a systematic assessment of an ongoing review of performance measurements for all transportation agencies within TPAB's purview and be authorized to expend up to \$9,999 to obtain professional assistance to accomplish this."

Motion passed.

**7. Discussion & Possible Board Action**

- **Discussion and approval of Supplemental Budget Request and/or information regarding budget**
- **Potential topics of legislation to be submitted for 2006 Session**

Chair Hurley indicated that TPAB will not be requesting a Supplemental Budget, or submitting any potential legislation for the 2006 Session.

**8. Discussion of Environmental Permitting Study**

Keenan Konopaski, JLARC staff, gave a brief history of the Business Process Review of Environmental Permitting for Transportation Projects, and indicated that the comments the board provided at its September 9 meeting to JLARC's recommendations have been incorporated into the Proposed Final Report. He then discussed each of the revised recommendations. He also discussed the agency's response to each of the recommendations.

Chair Hurley indicated that because the board has not had adequate time to review and discuss the proposed recommendations of the environmental permitting subcommittee, he would like to hold off on transmitting TPAB's recommendations to the report. However, he does not want to hold up transmitting JLARC's report.

Michael Jacobson motioned and John Ostrowski seconded to adopt and transmit to the Legislature, with the indication that TPAB will be forwarding its recommendations to the

report under separate cover, the Business Process Review of Environmental Permitting for Transportation Projects.

Senator Haugen moved an amendment to the motion to authorize Chair Hurley, Michael Jacobson and Senator Swecker to agree on a draft letter and recommendations to the report and send the draft out to agencies for review. Elmira Forner seconded.

The motion as amended passed.

**9. Discussion of JLARC Services Options**

Chair Hurley asked that he and Ruta Fanning be included in the next meeting of the Operating Procedures Subcommittee. Ms. Fanning offered that her organization could explain the statutory requirements, and processes and procedures for a JLARC study indicating that this information may provide some guidance as TPAB works through its organizational structure.

It was noted that the next meeting of the Operating Procedures Subcommittee will be held in Olympia on Friday, October 20, 2005.

The meeting was adjourned at 12:25 p.m.